

Do I Have to Be Present When the Attorney Reads the Will?

In many movies and TV shows, after someone passes away, the family members assemble in the presence of the probate and estate administration attorney for a formal reading of the will. But with so many obligations to attend to, what if you can't make it? Do you need to make a special trip for the reading? Can you have someone else attend in your place? Will they appoint someone else to your place if you miss the reading of the will?

Probate attorneys receive questions like these all the time. And we can offer some answers that should be reassuring.

Texas Does Not Require a Formal Reading of the Will

The formal scene where an attorney reads the terms of the will aloud to astonished family members is something that scriptwriters and novelists invented for dramatic effect. While the terms of a will may be surprising and leave family members outraged—and drama may ensue—the process does not begin with a reading of the terms of the will in front of an audience.

Texas probate laws do require the person administering an estate to provide legally adequate notice to certain individuals, but the laws do not require a formal reading of the will.

The will is never read aloud unless someone needs to explain the terms to another person who has difficulty reading or needs an explanation of the language. Since there is no formal reading of the will, no one has to worry about missing it.

Heirs and Beneficiaries Must Be Notified

Although probate laws don't require a reading of the will, they impose a number of other requirements on the person administering the estate. The requirements can be confusing, and a mistake can subject the executor or administrator to personal liability. For those reasons, many people seek out the assistance of an experienced attorney who can guide them through the process without unnecessary delays or mistakes.

Some of the requirements involve the notification of beneficiaries named in a will or trust as well as the heirs who would inherit under the laws of intestate succession. They need to be provided with specific information in a timely fashion so that they have the opportunity to register any objections to the validity of the will, the choice of the estate administrator, or the way in which the estate is being handled.

For instance, if a woman with two adult children passes away and her will leaves all of her property to one daughter, the other daughter would be a potential heir under the law. Both daughters would need to receive legal notice, even though only one stands to inherit under the terms of the will. The daughter who was left out might want to contest the will, and notice gives her the opportunity to do that.

The Nordhaus Firm Assists with Preparing and Administering Wills

The processes of estate planning and estate administration can be much easier to manage when you have the right legal guidance and assistance. At The Nordhaus Firm, we can help you anticipate and overcome the challenges so that you are

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prepared to move forward. To learn more about the ways we can assist, schedule a free consultation today.